

## **EXHIBIT 52**

Nov. 24,  
2021 J.  
McKim Email  
Chain

**From:** "Rotman, David" <David.S.Rotman@doj.nh.gov>

**To:** "James T. McKim, MP" <james.mckim@organizationalignition.com>

**Cc:** "Formella, John" <john.m.formella@doj.nh.gov>

**Subject:** RE: Training on "Divisive Concepts"

**Date:** Wed, 24 Nov 2021 15:31:20 -0500

**Importance:** Normal

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Dear James:

The next time I see the General (who I see was "cc'ed" on this email), I will mention your question.

David

**From:** James T. McKim, MP <james.mckim@organizationalignition.com>

**Sent:** Wednesday, November 24, 2021 3:04 PM

**To:** Rotman, David <David.S.Rotman@doj.nh.gov>

**Cc:** Formella, John <john.m.formella@doj.nh.gov>

**Subject:** Re: Training on "Divisive Concepts"

**EXTERNAL:** Do not open attachments or click on links unless you recognize and trust the sender.

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Thanks, David.

I wasn't so much thinking of training, but guidance on how to interpret the statute given the questions raised about whether affirmative action actions would be considered in violation of the statute.

Happy to chat if it would help in clarifying how the statute is perceived.

Cheers,

James T. McKim, Jr., PMP, ITIL

Managing Partner, Organizational Ignition

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On Wed, Nov 24, 2021 at 2:51 PM Rotman, David <[David.S.Rotman@doj.nh.gov](mailto:David.S.Rotman@doj.nh.gov)> wrote:

James, I am sorry for not getting back to you sooner. I did speak to the General and it is my understanding we will not be doing a training in the immediate future on how to interpret the statute. When that changes, I will be sure to reach out to you. I hope you and your family have a wonderful thanksgiving.

David

**From:** James T. McKim, MP <[james.mckim@organizationalignition.com](mailto:james.mckim@organizationalignition.com)>

**Sent:** Wednesday, November 24, 2021 1:35 PM

**To:** Rotman, David <[David.S.Rotman@doj.nh.gov](mailto:David.S.Rotman@doj.nh.gov)>

**Subject:** Re: Training on "Divisive Concepts"

**EXTERNAL:** Do not open attachments or click on links unless you recognize and trust the sender.

Hi David,

I hope this finds you well.

I'm wondering if there were any thoughts on the question I posed in the email below.

A recent article in Nonprofit Quarterly highlighting the recent case in North Carolina also discussed this case and the sense that it seems to challenge the entire notion of hiring racially diverse candidates.

Cheers,

James T. McKim, Jr., PMP, ITIL  
Managing Partner, Organizational Ignition  
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On Tue, Oct 19, 2021 at 9:42 AM James T. McKim, MP <[james.mckim@organizationalignition.com](mailto:james.mckim@organizationalignition.com)> wrote:

Hi David,

I hope this finds you well.

With the recent University of North Carolina Affirmative Action case, I received a question about how an Affirmative Action case would stack up against the Right to Freedom from Discrimination in Public Workplaces and Education language in HB2.

This made me reflect on the conversation we had with the General about the topic of Affirmative Action where I believe the consensus was that Affirmative Action would not violate the law because the law prohibits action based "solely" on age, sex, gender identity, sexual orientation, race, creed, color, etc.

But upon review of the actual statute, I find the wording to be "That an individual should be discriminated against or receive adverse treatment **solely or partly** because of his or her age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin;..."

Because the words "or partially" are in the statute, this makes me think that Affirmative Action could, in fact, be seen as violating the law. This made me wonder if you had or were planning any training on how to interpret the statute that might shed some light on this in a proactive manor so we don't get a case brought that will take up time and money?

Cheers,

James T. McKim, Jr., PMP, ITIL  
Managing Partner, Organizational Ignition

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